

CR: 04-10286
J. Jones
Papers
Retained
for 06-1756

MANDATE

United States Court of Appeals For the First Circuit

No. 06-1757

UNITED STATES,

Appellee,

v.

MICHAEL W. ALCOTT,

Defendant - Appellant.

JUDGMENT

Entered: June 2, 2006
Pursuant to 1st Cir. R. 27(d)

By order entered May 15, 2006, appellant was directed to show cause in writing as to why this appeal should not be dismissed as duplicative of Appeal No. 06-1756. Appellant was warned that failure to respond by May 30, 2006 would lead to dismissal for lack of diligent prosecution.

Appellant having failed to file a timely response, it is hereby ordered that the above-captioned appeal be dismissed in accordance with Local Rule 3(b). Defendant's appeal shall proceed under No. 06-1756.

**Certified and Issued as Mandate
under Fed. R. App. P. 41.**

Richard Cushing Donovan, Clerk

[Signature]
Deputy Clerk
Date: JUN 23 2006

By the Court:

Richard Cushing Donovan, Clerk

MARGARET CARTER

By: _____
Chief Deputy Clerk.